



**CALIFORNIA
HIGH-SPEED RAIL
AUTHORITY**

BRIEFING: August 2, 2012, BOARD MEETING AGENDA ITEM #4

TO: Dan Richard and Authority Board Members

FROM: Jeff Morales, Chief Executive Officer

DATE: July 25, 2012

RE: Environmental Justice Policy and Guidance

Discussion:

Agenda Item 4 makes two (2) requests of the Board:

- 1) Approve the California High-Speed Rail Authority (Authority) Environmental Justice (EJ) Policy and authorize the Chief Executive Officer (CEO) to sign and widely disseminate.
- 2) Adopt the EJ Guidance and authorize the CEO to transmit the EJ Policy and Guidance to the Federal Railroad Administration (FRA).

On September 15, 2011, the FRA directed the Authority to develop and implement a Title VI Program to address how the Authority will ensure nondiscrimination in its federally financially assisted projects. The Draft Title VI Program was submitted to the FRA on March 3, 2012 and the FRA subsequently approved the Title VI Program on May 25, 2012. The EJ Guidance is a supplement to the Authority's Title VI Program. The Authority submitted the proposed EJ Policy and Guidance to the FRA on June 15, 2012 for review and comment. The EJ Guidance has subsequently received FRA comments and are incorporated in the EJ Guidance document before you for consideration. The adoption of the EJ Policy shall formalize the Authority's long standing efforts to address EJ matters in a comprehensive manner.

The Authority recognizes how important provisions of existing environmental, civil rights, civil, and criminal laws may be used to help reduce environmental contamination in all communities and environment justice on the human element. "Environmental Justice" is the fair treatment of people of all races, cultures, and income with respect to the development, adoption, implementation and enforcement of environmental laws and policies. Implementation of environmental justice principles in how the Authority plans, designs and delivers the high-speed rail projects means that the Authority recognizes the potential social and environmental impacts that project activities may have on certain segments of the public.

Item 1: The Authority presents its EJ Policy which states:

The “California High-Speed Rail Authority (Authority) promotes Environmental Justice into its program, policies and activities to avoid, minimize or mitigate disproportionately high human health and environmental effects, including social and economic effects on minority and low-income populations. It is the policy of the Authority to duly emphasize the fair and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the high-speed rail project planning, development, operations and maintenance. This policy directs the Authority to appropriately engage the public through public participation forums so that decisions are mitigated and reflects environmental justice for all communities. This commitment strives to inspire environmental justice and equal access.

The Authority shall develop and maintain an Environmental Justice Guidance in compliance with Title VI of the Civil Rights Act of 1964, Presidential Executive Order 12898 and California State law--Government Code Section 65040.12 et. seq. and Public Resources Code Section 71110 et. seq.”

Item 2: A component of the EJ Policy is the development and implementation of an EJ Guidance to address how the Authority will ensure environmental justice to human health, minority and low-income populations in its projects.

The EJ Guidance describes the affirmative steps that the Authority will take to prevent the denial, reduction or delay in benefits related to its programs and activities that impact minority populations or low-income populations and complies with Presidential Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, dated February 11, 1994, California State law--Government Code Section 65040.12 et. seq. and Public Resources Code Section 71110 et. seq. As recommended by the FRA, the EJ Guidance was developed with the objectives in the Federal Transit Administration’s Proposed Circular 4703.1, *Environmental Justice Policy Guidance for Federal Transit Administration Recipients*, December 2, 2011.

The EJ Guidance is designed to assist management, staff and consultants to understand their roles and responsibilities with respect to integrating environmental justice matters into the Authority’s project decision-making process. The Authority will engage the needs and concerns of the public, including minority and low-income populations, through public involvement to express their concerns so that high-speed rail project decisions better reflect community values and interests in the early stages of planning and investment decisions. The Guidance supplements the Authority’s Title VI Program, dated February 2012 and the Limited English Proficiency Plan, dated April 2012.

| Wendy Boykins, the Title VI Coordinator, is responsible for maintaining the EJ Guidance. The EJ Policy and Guidance will be disseminated to Authority staff; be posted on the Authority’s website and will ensure the public and current Consultants, Contractors, the Short-listed firms and subrecipient agencies of its availability and accessible reference.

Recommendations:

- 1) Approve the California High-Speed Rail Authority Environmental Justice Policy.
- 2) Adopt the EJ Guidance and authorize the CEO to transmit the EJ Policy and Guidance to the FRA.

Attachments:

- Environmental Justice Policy
- Environmental Justice Guidance
- HSRA Resolution No. 12-22